

DRAFT

MINUTES OF THE CITY COUNCIL OF THE CITY OF GREENSBORO, N. C.

REGULAR MEETING:

2 MAY 2006

The City Council of the City of Greensboro met in regular session at 5:30 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Michael L. Barber, T. Dianne Bellamy-Small, Sandra G. Carmany, Florence F. Gatten, Sandra Anderson Groat, Yvonne J. Johnson, Thomas M. Phillips and Goldie F. Wells. Absent: None. Also present were Mitchell Johnson, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting opened with a moment of silence and the Pledge of Allegiance to the Flag led by Boy Scout Troop 101 from Westminster Presbyterian Church.

The Manager recognized Linda Kirkman, employee in the Housing and Community Development Department, who served as courier for the meeting.

The Mayor explained the Council procedure for conduct of the meeting.

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The following individuals spoke as speakers from the floor.

Leon Nutes, residing at 214 Peach Orchard Drive, expressed concerns with regard to fuel shortages and offered suggestions for alternatives that might be considered; i.e., methane gas from the landfill, hydrogen, and recycling of diesel and cooking oils.

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Expressing their appreciation to members of Council and the Greensboro Police Department for their work and offering support of the Council and City management, Patrick Danahy, President and CEO of Greensboro Partnership, 342 North Elm Street, accompanied by members of the Partnership's Executive Committee, spoke to the makeup of the Partnership and its mission related to economic development and enhancement of the quality of life. He offered comments about the rights of individuals and noted negative impacts that could result when those rights were compromised; Mr. Danahy expressed concern with regard to the recent allegations of the taping of conversations of ordinary citizens and the belief that surveillance of private citizens without reason was unacceptable and could not be tolerated.

After brief Council comments, Councilmember Bellamy-Small noted she had scheduled a meeting on May 8 at the Glenwood Library to talk with citizens about the police investigation; advised she had invited the City Manager, City Attorney and Interim Police Chief to attend; and stated she had requested the Manager to provide talking points for the meeting.

Some members of Council offered personal thoughts with regard to the manner in which Greensboro was dealing with this matter and expressed appreciation to Mr. Danahy for his comments. Members of Council expressed support of the City Manager and the manner in which he had dealt with this matter. Councilmember Gatten stated that she did not believe a public meeting on Monday night was appropriate during the ongoing investigation. Councilmember Bellamy-Small spoke in support of the meeting and stated it would give people an opportunity to talk about the matter.

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Betsy Vaughn, residing at 114 Cypress Street, noted the presence of a group of speakers who endorsed the redevelopment and renovation of the War Memorial Stadium.

Greg Woodard, residing at 514 Apple Ridge Road, and a member of the Veterans of Foreign Wars (VFW), provided a history of the organization and the war memorial stadium facility that was dedicated in 1926. He spoke to the VFW's loss of parking revenues because the Stadium is no longer used by the professional baseball team, noted the organization's relocation to South Elm Street, requested Council to honor past commitments to repair the Stadium and offered his thoughts about the proposed bond referendum.

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Dee Todd, Director of Athletics at NC A&T State University, requested Council to consider the most comprehensive option (Option 3) offered for Council's consideration as a bond item for the War Memorial Stadium which would keep the major part of the stadium in tact, noted that A&T held its baseball games at the stadium, and stated the field was excellent. Brief discussion was held with regard to the contract between the City and University for the use of the stadium.

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Ken Carlyle, head baseball coach at Greensboro College, spoke in support of Option 3 to upgrade the War Memorial Stadium, stated this field was the only playing field available for the College team, advised he used the stadium as a recruiting tool for potential players based on its history of use by New York Yankees farm teams, and noted the school had a great working relationship with Greensboro. Brief discussion was held with regard to the contract between the City and University for the use of the stadium.

Councilmember Phillips offered his opinion that if the stadium were upgraded, it would result in rental increases for private users.

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Benjamin Briggs, residing at 1753 Penny Road, spoke to a study to prepare a good, long-term plan for the revitalization of the facility; he stated that Option 3 for the War Memorial Stadium would conserve seats on the third base line which were the most popular and spoke to grassroots support which was ready to make the bond effort successful.

The Mayor noted that Council was still working on the proposed bond referendum items.

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Providing details about the event, Luther Falls, residing at 303-P Avalon Road, expressed appreciation for Council's support of the 12th Annual Black History Business Expo.

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There were no other individuals who indicated they wish to speak at this time.

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After its introduction by Mayor Holliday, Councilmember Johnson read a resolution honoring the memory of the late Ruth Louise Parker Rideout. After brief remarks by some members of Council, Councilmember Bellamy-Small moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

87-06 RESOLUTION HONORING THE MEMORY OF THE LATE RUTH LOUISE PARKER RIDEOUT

WHEREAS, on April 7, 2006, this community lost one of its outstanding community leaders with the death of the late Ruth Louise Parker Rideout;

WHEREAS, Ruth Louise Parker Rideout, a native of Augusta, Georgia, attended Pace University in New York and began working at Western Electric before transferring to Greensboro where she later retired from AT&T;

WHEREAS, she earned her B.A. degree from Greensboro College and later went on to the University of North Carolina in Greensboro to earn her Master of Arts Degree in Professional Counseling;

WHEREAS, wanting to help others, Ruth founded and was CEO of "Faith Matters" a not-for-profit mentoring organization which continues to grow and which mainstreams women into the current day work place;

WHEREAS, Ruth was a member of St. Matthews United Methodist Church where she served on various committees including the United Methodist Women, The Family Enrichment Program and the Committee on Higher Education as well as serving as Assistant Dean for The School of Christian Mission, for the Western North Carolina Annual Conference;

WHEREAS, other organizations that Ruth was involved in include past President of Democratic Women of Guilford County (DWGC), a member of the NAACP, a Friend of Planned Parenthood, a member of Eta Phi Beta Sorority, Inc. – Gamma Lambda Chapter, New Outlook Pioneers and the Alliance of Black Telecommunications Employees;

WHEREAS, the City Council wishes to express its sense of loss and its sincere appreciation and gratitude for the many years of dedicated public service rendered by Ruth Louise Parker Rideout, the outstanding contributions she has made to the community, and the legacy she leaves.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby expresses, on behalf of the citizens of Greensboro, a deep sense of loss and a feeling of respect and gratitude for the life of Ruth Louise Parker Rideout.
2. That a copy of this resolution shall be delivered to the family of the late Ruth Louise Parker Rideout as a symbol of the gratitude of the people of Greensboro for his many contributions to this community.

(Signed) Councilmember T. Dianne Bellamy-Small

After its adoption, Councilmember Johnson presented copies of the resolution to family members who were present at the meeting.

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After its introduction by Mayor Holliday, Councilmember Johnson read a resolution honoring the memory of the late William Edward Reed. After brief remarks by some members of Council, Councilmember Bellamy-Small moved adoption of the resolution. The motion was seconded by Councilmember Wells; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

88-06 RESOLUTION HONORING THE MEMORY OF THE LATE WILLIAM EDWARD REED

WHEREAS, on April 12, 2006, this community lost one of its outstanding community leaders with the death of the late William Edward Reed at the age of 91;

WHEREAS, William Edward Reed, a native of Columbia, Louisiana, received his B.S. degree in Agriculture and Science from Southern University, Baton Rouge, Louisiana, in 1937, received a M.S. degree in Soil Fertility from Iowa State University in 1941 and his Ph.D. in Soil Chemistry with Physiology and Crop Production was conferred by Cornell University in 1946;

WHEREAS, between 1936 and 1947, Dr. Reed served as a Technician with the Soil Conservation Service, Bossier and Caddo Parishes, Louisiana, a County Agricultural Agent, Louisiana State University, Cooperative Agricultural and Home Economic Extension Service in East Feliciana Parish, Clinton, Louisiana and as an instructor in Agronomy and Chemistry at Southern University, Baton Rouge;

WHEREAS, his career included employment by the U.S. Department of State as an Agricultural Research Specialist for the Economic Mission to the Republic of Liberia from January, 1947 to June, 1949 where he walked and traveled throughout Liberia for research published in 1951 by the U.S. Department of Agriculture;

WHEREAS, Dr. Reed served as the Dean of the School of Agriculture at the Agricultural & Technical College, Greensboro, North Carolina from June 1949 to June 1961 during which time he took a two year leave of absence to serve as the Chief of Party, International Cooperation Administration, International Development Services, contract team to Ghana;

WHEREAS, as a member of the U.S. Foreign Service from 1961 to 1972 he held the position of the Assistant Director for Western Nigeria, U.S. Agency for International Development, U.S. Department of State in Ibadan, Nigeria and as the Deputy Mission Director to Ethiopia for the U.S. Agency for International Development in Ethiopia;

WHEREAS, Dr. Reed completed his extensive career in Greensboro where he held the positions of Officer in Residence for the U.S. Agency for International Development, Special Assistant to the Chancellor for International Programs and Director of International Programs, Associate Dean for Research and Special Programs at North Carolina Agricultural & Technical State University;

WHEREAS, some of the numerous organizations and professional societies he was a member of include Omega Psi Phi, Sigma Pi Phi, Phi Kappa Phi, Sigma Xi and Beta Kappa Chi;

WHEREAS, Dr. Reed was also a member of the State Committee on Resource Use Education at Southern University, the Mayor's Advisory Committee on Interracial Problems, Chairman, State Rural Progress Campaign Committee and a member of a twelve person delegation tour of Russia;

WHEREAS, the City Council wishes to express its sense of loss and its sincere appreciation and gratitude for the many years of dedicated public service rendered by William Edward Reed, the outstanding contributions he has made to the community, and the legacy he leaves.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

3. That the City Council hereby expresses, on behalf of the citizens of Greensboro, a deep sense of loss and a feeling of respect and gratitude for the life of William Edward Reed.
4. That a copy of this resolution shall be delivered to the family of the late William Edward Reed as a symbol of the gratitude of the people of Greensboro for his many contributions to this community.

(Signed) T. Dianne Bellamy-Small

After its adoption, Councilmember Johnson presented copies of the resolution to family members who were present at the meeting.

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The Mayor noted Council had received a request to continue to the June 20, 2006 City Council meeting, items 19 and 20 on the agenda, an ordinance amending the Greensboro Code of Ordinances, Chapter 30, Zoning, Planning, and Development, Section 30-1-10 Relation to the Comprehensive Plan to consider an amendment to the *Connections 2025 Comprehensive Plan* Generalized Future Land Use Map (Figure 4-2) for a portion of the property located at the southwest quadrant of New Garden Road and Garden Lake Drive from the Low Residential land use classification to the Mixed Use Commercial land use classification and an ordinance rezoning from RS-15 Residential Single Family to Conditional District- General Office Moderate Intensity for property located at the southwest quadrant of New Garden Road and Garden Lake Drive.

In response to an inquiry by Councilmember Phillips, Mark Isaacson, attorney with offices at 101 West Friendly Avenue and representing the applicants in these matters, stated that in addition to these two items, they planned to request that a third ordinance regarding the New Garden Road area scheduled for public hearing on May 16, also be continued to June 20 in order that the three items could be considered together. Mr. Isaacson stated that the applicants planned to meet with area residents to discuss their concerns prior to the public hearing of the items.

Councilmember Johnson moved to continue the two above ordinances to the June 20, 2006 City Council meeting. The motion was seconded by Councilmember Bellamy-Small and adopted unanimously by voice vote of Council. It appeared to be the consensus of Council to take action to continue at the May 16 Council meeting the New Garden Road zoning item scheduled for public hearing on that date. The City Attorney advised these two items would be readvertised for the June 20 Council meeting.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning Agricultural for property located north of Ballinger Road, west of Fleming Road and south of Old Oak Ridge Road.

Richard "Dick" Hails, Planning Department Director, reviewed the proposal; presented a context map and photographs to describe the subject property and surrounding area; stated there were no conditions attached to the proposed ordinance; and stated the Zoning Commission had recommended approval of the rezoning.

The City Attorney provided a brief history of the property and reviewed Court action with respect to the 1995 annexation of this property to hold the case in abeyance until Greensboro solved its water problems. She stated that since Greensboro had a solution to the water issue, the matter was brought back to court. The City Attorney stated that in the settlement, City staff had agreed to recommend agricultural zoning for the property with the final zoning decision being made by the Council.

The Mayor asked if anyone wished to speak to these matters.

Jonathan Ballinger, residing at 6309 Ballinger Road, stated that he believed this was forced annexation, spoke to the history of the farm that had been in his family since the 1750's, provided photographs of the farm, and noted the family's intention to keep the property as farmland and had no intent to develop.

In response to Councilmember Gatten's stating that she had received neighborhood concerns with regard to the parking of transfer trailers on the property as well as non-farm machinery and non-operational vehicles, Mr. Ballinger stated that they use trailers for storage of hay, feed, farm equipment, etc.

Councilmember Johnson moved to close the public hearing. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

In response to Council inquiry, Butch Simmons, Engineering and Inspections Department Director, stated that after annexation into the City, the property would have to comply with City standards for the property. The City Attorney noted the trailers might be permitted if they were an accessory to farm use.

Mr. Hails stated that the request to maintain the current agricultural use was consistent with the Comprehensive Plan recommendations and the best fit for the area; he stated that staff recommended approval.

Councilmember Johnson moved to adopt the ordinance and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located north of Ballinger Road from County Zoning RS-40 to City Zoning Agricultural, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: 1) it continues the long-term farm and open space use of this property, with appropriate agricultural zoning; 2) it promotes a sound, sustainable pattern of land use for development at the fringe; and it continues to link City-initiated annexations and approvals of annexation petitions to water/sewer extension policies regarding designated growth areas. The motion was seconded by Councilmember Wells and adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-82 AMENDING OFFICIAL ZONING MAP

NORTH OF BALLINGER ROAD, WEST OF FLEMING ROAD AND SOUTH OF OLD OAK RIDGE ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning of AG Agricultural as shown on the attached map entitled "Original Zoning Map Proposal for Ballinger Property" and the boundaries of this district are hereby established as shown on the attached map. The area is due North of Ballinger Road, West of Fleming Road, and South of Old Oak Ridge Road, surrounded by the existing city limits, and is contiguous to property that is owned by the Ballingers and adjacent to Ballinger Road. The annexation of this property became effective February 7, 2006.

Section 2. This ordinance shall be effective upon adoption.

(Signed) Yvonne J. Johnson

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits west of Pleasant Garden Road and north of new I-85—114.79 acres; and introduced so these matters could be discussed together, an ordinance amending the Greensboro Code of Ordinances, Chapter 30, Zoning, Planning, and Development, Section 30-1-10, Relation to the Comprehensive Plan, to consider an amendment to the Connections 2025 Comprehensive Plan Generalized Future Land Use Map (Figure 4-2) for a portion of the property located north of the Greensboro Urban Loop (Interstate 85) between South Elm-Eugene Street and Pleasant Garden Road from the Industrial/Corporate Park and Mixed Use Commercial land use classification to the Commercial land use classification; and an ordinance establishing original zoning classification from County Zoning Agricultural and Light Industrial to City Zoning Conditional District- Shopping Center for property located north of the Greensboro Urban Loop (Interstate 85) between South Elm-Eugene Street and Pleasant Garden Road.

Mr. Hails reviewed the proposals, presented a context map and photographs to describe the subject property and surrounding area, read the conditions attached to the proposed ordinance, stated the Zoning Commission had recommended approval of the rezoning and advised that no one spoke in opposition at the Zoning Commission meeting.

The Mayor asked if anyone wished to speak to these matters.

Henry Isaacson, attorney with offices at 101 West Friendly Avenue and representing the property owners; provided, for illustrative purposes only, information about the property and proposed development as well as its location in proximity to new I-85. Mr. Isaacson used photos to illustrate the property and surrounding area, described the property and surrounding zoning patterns and development, and offered reasons they believed the zoning changes would be appropriate in the area. Mr. Isaacson stated this would provide much-needed amenities to the area.

Discussion was held with Mr. Isaacson and Terry Snow, representing Wilbur Smith and Associates, with regard to the scope of the shopping center, plans to coordinate with NCDOT and Southern Railroad the relocation of railroad tracks in the area and the desire to ensure safe pedestrian access to the development.

Councilmember Johnson moved to close the public hearing on the three items. The motion was seconded by Councilmember Bellamy-Small and was adopted unanimously by voice vote of Council.

Mr. Hails noted that Comprehensive Plan amendments that replaced much-needed industrial zoning with commercial zoning caused concerns for Council but stated in this case staff believed there was enough additional industrial development in the southeast and east to accommodate industrial needs. He stated that few sites were available for retail, staff liked to see diversity and walkability in a good retail site, and that staff recommended in favor of the amendment. In response to Council inquiry, Mr. Hails stated that a portion of the southern part of the site was within the Scenic Corridor.

Councilmember Johnson moved to adopt the ordinance annexing territory to the corporate limits west of Pleasant Garden Road and north of new I-85—114.79 acres. The motion was seconded by Councilmember Bellamy-Small; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-83 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (WEST OF PLEASANT GARDEN ROAD AND NORTH OF NEW I-85 – 114.79 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

Beginning at a point in the existing Greensboro city limit line (as of March 31, 2006), said point being the southeast corner of Michael Yow as recorded in Deed Book 3864, Page 606 in the Office of the Register of Deeds of Guilford; THENCE DEPARTING FROM THE EXISTING GREENSBORO CITY LIMITS along Yow's eastern property line N 02° 27' 19" W 524.99 feet to the southwest corner of Eugene Grissom, Jr. as recorded in Deed Book 3472, Page 1945 in the Office of the Register of Deeds; thence along Grissom's southern property line and the projection thereof N 87° 32' 41" E 269.79 feet to a point in the western line of Charles P. Humble as recorded in Deed Book 6120, Page 2712 in the Office of the Register of Deeds; thence S 02° 43' 21" W 312.97 feet along Humble's western line to his southwest corner; thence along Humble's southern line S 87° 16' 39" E 310.01 feet to Humble's southeast corner; thence along Humble's eastern line N 02° 43' 21" E 567.06 feet to the southwest corner of (now or formerly) Vitafoam, as recorded in Deed Book 4387, Page 517 in the Office of the Register of Deeds; thence along Vitafoam's southern line the following two bearing and distances: 1) S 88° 13' 41" E 1,511.58 feet to a point and 2) S 88° 09' 56" E 1,246.03 feet to Vitafoam's southeast corner, a point in the western margin of Pleasant Garden Road, said point also being the northwest corner of William T. Curtis as recorded in Deed Book 3428, Page 1064 in the Office of the Register of Deeds; thence along the western lines of said Curtis and Mark Voight as recorded in Deed Book 6205, Page 2291 in the Office of the Register of Deeds S 02° 28' 49" W 709.86 feet to Voight's southwest corner; thence along Voight's southern line S 87° 29' 02" E 174.41 feet to a point in the western margin of Pleasant Garden Road; thence along said western margin the following three bearing and distances: 1) S 00° 12' 35" E 111.52 feet to a point, 2) S 01° 54' 24" W 40.51 feet to a point, and 3) S 02° 21' 44" W 170.10 feet to the northeast corner of Randall Glenn Clark as recorded in Deed Book 5464, Page 1067 in the Office of the Register of Deeds; thence along Clark's northern line N 88° 04' 21" W 180.82 feet to Clark's northwest corner; thence along Clark's western line S 01° 14' 44" E 568.38 feet to Clark's southwest corner; thence along Clark's southern line N 89° 30' 31" E 144.37 feet to a point on the western margin of Pleasant Garden Road; thence along said recorded western margin S 00° 22' 24" W 291.79 feet to a point in the north line of Short's new lot, said line being generally parallel to and approximately 100 feet north of I-85; thence along Short's new line the following six bearing and distances: 1) N 70° 17' 14" W 507.01 feet to a point, 2) N 81° 07' 58" W 343.78 feet to a point 3) N 73° 43' 19" W 520.41 feet to a point, 4) N 74° 41' 11" W 403.66 feet to a point, 5) along a curve to the left having a radius of 3,837.13 feet and a chord bearing and distance of N 77° 56' 01" W 227.78 feet to a point, and 6) S 10° 23' 33" W 100.50 feet to a point in the north line of that property held in fee simple by the NCDOT for the new I-85, said point being in the existing Greensboro satellite city limits; THENCE PROCEEDING WITH THE EXISTING GREENSBORO SATELLITE CITY LIMITS and the northern line of the NCDOT along a curve to the left having a radius of 3,837.15 feet and a chord bearing and distance of N 81° 41' 32" W 280.01 feet to a point; thence along a

curve to the left having a radius of 3,837.13 feet and a chord bearing and distance of N 87° 03' 28" W 434.91 feet to a point; thence S 84° 46' 04" W 156.51 feet to a point; thence N 87° 04' 04" W 122.24 feet to a point near a northwest corner of said satellite city limits; THENCE DEPARTING FROM THE EXISTING GREENSBORO SATELLITE CITY LIMITS N 87° 18' 05" W 407.61 feet to a point; thence N 76° 43' 19" W 162.44 feet to a point on the southern property line of Carroll Investment as recorded in Deed Book 4249, Page 178 in the Office of the Register of Deeds, said point being in the existing Greensboro city limits; THENCE PROCEEDING WITH THE EXISTING GREENSBORO CITY LIMITS along Carroll's southern line S 89° 03' 59" E 97.41 feet to a point on Carroll's eastern line; thence along said eastern line the following three bearing and distances: 1) N 00° 15' 24" E 333.08 feet to a point, 2) N 00° 18' 02" E 334.37 feet to a point, and 3) N 88° 55' 09" W 34.02 feet to the point and place of BEGINNING, containing an area of 114.788 acres, more or less.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after July 31, 2006, the liability for municipal taxes for the 2006-2007 fiscal year shall be prorated on the basis of 11/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2006. Municipal ad valorem taxes for the 2007-2008 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after July 31, 2006.

(Signed) Yvonne J. Johnson

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Councilmember Bellamy-Small moved to adopt the ordinance amending the Greensboro Code of Ordinances, Chapter 30, Zoning, Planning, and Development, Section 30-1-10, Relation to the Comprehensive Plan, to consider an amendment to the Connections 2025 Comprehensive Plan Generalized Future Land Use Map (Figure 4-2) for a portion of the property located north of the Greensboro Urban Loop (Interstate 85) between South Elm-Eugene Street and Pleasant Garden Road from the Industrial/Corporate Park and Mixed Use Commercial land use classification to the Commercial land use classification. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-84 AMENDING THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN

AN ORDINANCE AMENDING THE GENERALIZED FUTURE LAND USE MAP OF THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN, INCORPORATED BY REFERENCE IN THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT CHAPTER 30, SECTION 30-1-10

WHEREAS, the City Council adopted the *Greensboro Connections 2025 Comprehensive Plan* on May 6, 2003 which contains a Generalized Future Land Use Map, and is labeled Figure 4-2; and

WHEREAS, an amendment to that as shown on the attached map to change the land use classification from the Industrial/Corporate Park and Mixed use Commercial to the Commercial land use classification for a portion of the property located north of the Greensboro Urban Loop (Interstate 85) between South-Elm Eugene Street and Pleasant Garden Road; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA, that the Generalized Future Land Use Map Figure 4-2 is amended as follows:

Section 1. The Generalized Future Land Use Map Figure 4-2 is hereby amended as shown on the attached map.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 3. This ordinance shall become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

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Councilmember Bellamy-Small moved adoption of the ordinance and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located north of the Greensboro Urban Loop from County AG and LI to City CD-SC, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: 1) It promotes a healthy, diversified economy with a strong tax base and opportunities for employment, especially for under-served areas such as East Greensboro; 2) it ensures that adequate land is zoned and has infrastructure available for the various stages of business development; and 3) it continues to link approval of the annexation petitions for water/sewer extension policies regarding designated growth areas. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-85 AMENDING OFFICIAL ZONING MAP

NORTH OF GREENSBORO URBAN LOOP (INTERSTATE 85) BETWEEN SOUTH ELM-EUGENE STREET AND PLEASANT GARDEN ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural and Light Industrial to City Zoning Conditional District – Shopping Center (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

Beginning at a point in the existing Greensboro city limit line (as of March 31, 2006), said point being the southeast corner of Michael Yow as recorded in Deed Book 3864, Page 606 in the Office of the Register of Deeds of Guilford; THENCE DEPARTING FROM THE EXISTING GREENSBORO CITY LIMITS along Yow's eastern property line N 02° 27' 19" W 524.99 feet to the southwest corner of Eugene Grissom, Jr. as recorded in Deed Book 3472, Page 1945 in the Office of the Register of Deeds; thence along Grissom's southern property line and the projection thereof N 87° 32' 41" E 269.79 feet to a point in the western line of Charles P. Humble as recorded in Deed Book 6120, Page 2712 in the Office of the Register of Deeds; thence S 02° 43' 21" W 312.97 feet along Humble's western line to his southwest corner; thence along Humble's southern line S 87° 16' 39" E 310.01 feet to Humble's southeast corner; thence along Humble's eastern line N 02° 43' 21" E 567.06 feet to the southwest corner of (now or formerly) Vitafoam, as recorded in Deed Book 4387, Page 517 in the Office of the Register of Deeds; thence along Vitafoam's southern line the following two bearing and distances: 1) S 88° 13' 41" E 1,511.58 feet to a point and 2) S 88° 09' 56" E 1,246.03 feet to Vitafoam's southeast corner, a point in the western margin of Pleasant Garden Road, said point also being the northwest corner of William T. Curtis as recorded in Deed Book 3428, Page

1064 in the Office of the Register of Deeds; thence along the western lines of said Curtis and Mark Voight as recorded in Deed Book 6205, Page 2291 in the Office of the Register of Deeds S 02° 28' 49" W 709.86 feet to Voight's southwest corner; thence along Voight's southern line S 87° 29' 02" E 174.41 feet to a point in the western margin of Pleasant Garden Road; thence along said western margin the following three bearing and distances: 1) S 00° 12' 35" E 111.52 feet to a point, 2) S 01° 54' 24" W 40.51 feet to a point, and 3) S 02° 21' 44" W 170.10 feet to the northeast corner of Randall Glenn Clark as recorded in Deed Book 5464, Page 1067 in the Office of the Register of Deeds; thence along Clark's northern line N 88° 04' 21" W 180.82 feet to Clark's northwest corner; thence along Clark's western line S 01° 14' 44" E 568.38 feet to Clark's southwest corner; thence along Clark's southern line N 89° 30' 31" E 144.37 feet to a point on the western margin of Pleasant Garden Road; thence along said recorded western margin S 00° 22' 24" W 291.79 feet to a point in the north line of Short's new lot, said line being generally parallel to and approximately 100 feet north of I-85; thence along Short's new line the following six bearing and distances: 1) N 70° 17' 14" W 507.01 feet to a point, 2) N 81° 07' 58" W 343.78 feet to a point 3) N 73° 43' 19" W 520.41 feet to a point, 4) N 74° 41' 11" W 403.66 feet to a point, 5) along a curve to the left having a radius of 3,837.13 feet and a chord bearing and distance of N 77° 56' 01" W 227.78 feet to a point, and 6) S 10° 23' 33" W 100.50 feet to a point in the north line of that property held in fee simple by the NCDOT for the new I-85, said point being in the existing Greensboro satellite city limits; THENCE PROCEEDING WITH THE EXISTING GREENSBORO SATELLITE CITY LIMITS and the northern line of the NCDOT along a curve to the left having a radius of 3,837.15 feet and a chord bearing and distance of N 81° 41' 32" W 280.01 feet to a point; thence along a curve to the left having a radius of 3,837.13 feet and a chord bearing and distance of N 87° 03' 28" W 434.91 feet to a point; thence S 84° 46' 04" W 156.51 feet to a point; thence N 87° 04' 04" W 122.24 feet to a point near a northwest corner of said satellite city limits; THENCE DEPARTING FROM THE EXISTING GREENSBORO SATELLITE CITY LIMITS N 87° 18' 05" W 407.61 feet to a point; thence N 76° 43' 19" W 162.44 feet to a point on the southern property line of Carroll Investment as recorded in Deed Book 4249, Page 178 in the Office of the Register of Deeds, said point being in the existing Greensboro city limits; THENCE PROCEEDING WITH THE EXISTING GREENSBORO CITY LIMITS along Carroll's southern line S 89° 03' 59" E 97.41 feet to a point on Carroll's eastern line; thence along said eastern line the following three bearing and distances: 1) N 00° 15' 24" E 333.08 feet to a point, 2) N 00° 18' 02" E 334.37 feet to a point, and 3) N 88° 55' 09" W 34.02 feet to the point and place of BEGINNING, containing an area of 114.788 acres, more or less.

Section 2. That the original zoning to Conditional District – Shopping Center is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: All those uses permitted in the SC District.
- 2) Modifications, if deemed necessary by GDOT or NCDOT, will be made by the developer to the proposed traffic signal at the South Elm-Eugene Street/main access drive intersection to accommodate the proposed development.
- 3) The property will be developed in accordance with a master development plan which provides for cross-access among all parcels within the property.
- 4) All exterior lighting, including lighting of the parking areas, shall be directed toward the interior of the property.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of annexation.

(Signed) T. Dianne Bellamy-Small

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits west of Woods End Lane—6.77 acres. He thereupon introduced so these

matters could be discussed together, an ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family and rezoning from City Zoning RS-40 Residential Single Family to City Zoning Conditional District-RS-12 Residential Single Family for property located north of the terminus of Spring Oak Drive, northwest of Country Woods Lane and west of Woods End Lane.

Mr. Hails reviewed the proposal; presented a context map and photographs to describe the subject property and surrounding area; reviewed the conditions attached to the proposed ordinance; and stated the Zoning Commission had recommended approval of the rezoning.

In response to an inquiry by Councilmember Phillips, Mr. Hails advised that draft recommendations with regard to conditions that would allow a variance in the airport noise cone would be provided to Council in the near future.

The Mayor asked if anyone wished to speak to these matters.

Henry Isaacson, attorney representing the property owners, provide detailed information to Council with respect to the proposed development; i.e., access to the property, minimal impact on traffic in the area, compatible with the area, etc. Brief discussion was held with regard to the proximity of the property in relation to the noise cone.

There being no additional speakers, Councilmember Phillips moved to close the public hearing. The motion was seconded by Councilmember Bellamy-Small and adopted unanimously by voice vote of Council.

Mr. Hails stated the plan conformed with policies in the Comprehensive Plan.

Councilmember Johnson moved adoption of the ordinance annexing territory to the corporate limits west of Woods End Lane—6.77 acres. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-86 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (WEST OF WOODS END LANE – 6.77 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

Beginning at a point in the existing Greensboro city limit line (as of March 31, 2006), said point being the westernmost corner of Lot 17 of Country Woods, Map 3, as recorded in Plat Book 62, Page 134 in the Office of the Register of Deeds of Guilford County, N.C.; THENCE DEPARTING FROM THE EXISTING CITY LIMITS N 53° 46' 20" E 200.00 feet along the northwest line of said Lot 17 to its northernmost corner; thence S 54° 25' 25" E 787.12 feet along the northeast line of said Lot 17 to its northeast corner, a point in the western right-of-way line of Woods End Lane; thence along said western right-of-way line the following three bearing and distances: 1) with a curve to the right having a radius of 25.00 feet and a chord bearing and distance of S 20° 30' 40" E 24.49 feet to a point, 2) with a curve to the right having a radius of 1,070.79 feet and a chord bearing and distance of S 08° 40' W 189.75 feet to a point, and 3) S 13° 45' W 57.08 feet to the southernmost corner of said Lot 17, a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 67° 35' 40" W 787.76 feet along the south line of said Lot 17 to its southwest corner; thence N 07° 24' 05" W 308.00 feet along the west line of said Lot 17 to the point and place of beginning, containing an area of 6.765 acres, and being all of said Lot 17.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after July 31, 2006, the liability for municipal taxes for the 2006-2007 fiscal year shall be prorated on the basis of 11/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2006. Municipal ad valorem taxes for the 2007-2008 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after July 31, 2006.

(Signed) Yvonne J. Johnson

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Councilmember Phillips moved adoption of the ordinance and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located north of the terminus of Spring Oak Drive from County RS-40 and City RS-40 to City CD-RS-12, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: 1) it is generally consistent with the Low Residential land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map; 2) it continues to link City-initiated annexations and approvals of annexation petitions to water/sewer extension policies regarding designated growth areas; and 3) it promotes the diversification of new housing stock to meet the needs of all citizens for suitable housing. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-87 AMENDING OFFICIAL ZONING MAP

NORTH OF THE TERMINUS OF SPRING OAK DRIVE, NORTHWEST OF COUNTRY WOODS LANE AND WEST OF WOODS END LANE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-40 Residential Single Family and rezoning from City Zoning RS-40 Residential Single Family to City Zoning Conditional District – RS-12 Residential Single Family (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

Beginning at a point in the recorded western margin of Woods End Lane, as shown on a map entitled "Country Woods, Map 3" and recorded in Plat Book 62, Page 134 in the Office of the Register of Deeds of Guilford County, N.C., said point being the recorded southeastern property corner of Lot 18 as shown on said map recorded in said Plat Book 62, Page 134 in said Guilford County Registry; thence, from said point of beginning, along the western margin of Woods End Lane the following three bearing and distances: 1) with a curve to the right, having a radius of 25.00 feet and a chord bearing and distance of South 22°21'17" East 24.49 feet to a point; 2) with a curve to the right, having a radius of 1070.79 feet and a chord bearing and distance of South 06°48'42" West 189.02 feet to a point; 3) South 11°51'02" West 57.08 feet to a point; thence, along the northern line of a map entitled "Country Woods, Map 7A" and recorded in Plat Book 84, Page 140 in said Guilford County Registry, said point also being the recorded northeastern property corner of Lot 81 as shown on said map recorded in said Plat Book 84, Page 140 in said Guilford County Registry North 69°29'38" West 280.19 feet to a existing iron pipe; thence, along the northern line of a map entitled "Country Woods, Map 7B" and recorded in Plat Book 86, Page 75 in said Guilford County Registry, South 41°27'11" West 1122.70 feet to a existing iron pipe, said pipe also being the recorded northwestern property corner of Lot 50 as shown on said map recorded in said Plat Book 86, Page 75 in said Guilford County Registry; thence, along the eastern line of a map entitled "Country Woods, Map 2" and recorded in

Plat Book 60, Page 127 in said Guilford County Registry, North 52°06'48" West 739.36 feet to a existing iron pipe; thence along the eastern line of North Carolina Department of Transportation as described and recorded in Deed Book 4827, Page 1681 in the Guilford County Registry North 46°16'48" West 197.91 feet to a new iron pipe; thence along the southern line of a map entitled "A.L. Rankin" and recorded in Plat Book 4, Page 8 in said Guilford County Registry the following two bearing and distances: 1) North 52°13'18" East 1195.61 feet to a existing iron pipe; 2) North 51°55'43" East 200.02 feet to a existing iron pipe; thence along the western line of a map entitled "Country Woods, Map 3" and recorded in Plat Book 62, Page 134 in said Guilford County Registry South 56°16'02" East 787.12 feet to the point of beginning, containing an area of 27.074 acres / 1,179,336 square feet.

Section 2. That the original zoning and rezoning to Conditional District – RS-12 Residential Single Family is hereby authorized subject to the following use limitations and conditions:

- 1) All uses in the RS-12 zoning district, except: Agricultural Uses; Educational and Institutional Uses; Land Clearing and Inert Debris Landfills, Minor; and Wireless Telecommunication Towers, except for satellite dishes affixed to single family homes.
- 2) The maximum number of single family homes shall be 81.
- 3) No dumpsters shall be allowed, except during the construction phase for construction debris.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of annexation.

(Signed) Thomas M. Phillips

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The Mayor declared a recess at 7:30 p.m.

The meeting reconvened at 7:52 p.m. with all members of Council present.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits located at 5406 Cedar Field Drive—0.303 acres. He introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning RS-15 Residential Single Family to City Zoning RS-15 Residential Single Family for property located on the east side of Cedar Field Drive south of Highland Grove Drive (5406 Cedar Field Drive).

Mr. Hails reviewed the proposal; noted the annexation and zoning was for one lot; presented a context map and photographs to describe the subject property and surrounding area; reviewed the conditions attached to the proposed ordinance; and stated the Zoning Commission had recommended approval of the rezoning.

Mayor Holliday asked if anyone wished to be heard.

Richard Barnes, resident of Summerfield, NC, and owner of this property, noted he was present to answer any questions and requested Council to support the requests.

There being no additional speakers, Councilmember Johnson moved to close the public hearing for the two items. The motion was seconded by Councilmember Gatten and adopted unanimously by voice vote of Council.

Mr. Hails stated the requests conformed with Comprehensive Plan recommendations and that staff supported both requests.

Councilmember Gatten moved adoption of the ordinance annexing territory to the corporate limits located at 5406 Cedar Field Drive—0.303 acres. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-88 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 5406 CEDAR FIELD DRIVE – 0.303 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of March 31, 2006), said point being the easternmost corner of Lot 124 of Phase 1 of Highland Grove, as recorded in Plat Book 119, Page 11 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with the southwest line of said Lot 124 S 35° 26' 28" W 136.88 feet to the southernmost corner of said Lot 124, a point in the northeast right-of-way line of Cedar Field Drive; thence with said right-of-way line N 41° 12' 37" W 26.35 feet to a point and with a curve to the right with a radius of 298.68 feet and a chord bearing and distance of N 29° 36' 50" W 120.06 feet to the northwest corner of said Lot 124; thence N 71° 58' 51" E 125.26 feet with the north line of said lot to its northernmost corner, a point in the existing Greensboro city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 00° 31' 35" W 50.54 feet along the east line of said lot to a point; thence S 60° 41' 23" E 42.69 feet along the northeast line of said lot to the point and place of BEGINNING, and containing approximately 0.303 acres, and being all of said Lot 124.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after July 31, 2006, the liability for municipal taxes for the 2006-2007 fiscal year shall be prorated on the basis of 11/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2006. Municipal ad valorem taxes for the 2007-2008 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after July 31, 2006.

(Signed) Florence F. Gatten

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Councilmember Gatten moved adoption of the ordinance and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located on Cedar Field Drive from County RS-15 to City RS-15, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: 1) it is generally consistent with the Low Residential land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map, 2) it continues

to link City-initiated annexations and approvals of annexation petitions to water/sewer extension policies regarding designated growth areas; and 3) it promotes a sound, sustainable pattern of land use for development at the fringe. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-89 AMENDING OFFICIAL ZONING MAP

EAST SIDE OF CEDAR FIELD DRIVE SOUTH OF HIGHLAND GROVE DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-15 Residential Single Family to City Zoning RS-15 Residential Single Family uses for the area described as follows:

BEGINNING at a point in the existing Greensboro city limit line (as of March 31, 2006), said point being the easternmost corner of Lot 124 of Phase 1 of Highland Grove, as recorded in Plat Book 119, Page 11 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with the southwest line of said Lot 124 S 35° 26' 28" W 136.88 feet to the southernmost corner of said Lot 124, a point in the northeast right-of-way line of Cedar Field Drive; thence with said right-of-way line N 41° 12' 37" W 26.35 feet to a point and with a curve to the right with a radius of 298.68 feet and a chord bearing and distance of N 29° 36' 50" W 120.06 feet to the northwest corner of said Lot 124; thence N 71° 58' 51" E 125.26 feet with the north line of said lot to its northernmost corner, a point in the existing Greensboro city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 00° 31' 35" W 50.54 feet along the east line of said lot to a point; thence S 60° 41' 23" E 42.69 feet along the northeast line of said lot to the point and place of BEGINNING, and containing approximately 0.303 acres, and being all of said Lot 124.

Section 2. This ordinance shall be effective on the date of annexation.

(Signed) Florence F. Gatten

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits south of Air Harbor Road—1.827 acres--and west of Northern Shores Lane and east of Woodpine Drive--14.673 acres. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning Agricultural to City Zoning RS-12 Residential Single Family for property located west of the terminus of Northern Shores Lane and east of Woodpine Drive and Mosley Road and an ordinance establishing original zoning classification from County Zoning Agricultural to City Zoning RS-12 Residential Single Family for property located south of Air Harbor Road and west of Quail Ridge Drive.

Mr. Hails reviewed the proposal, noted this annexation included two properties, presented a context map and photographs to describe the subject property and surrounding area, advised there were no conditions attached to the proposed ordinance, and stated the Zoning Commission had recommended approval of the rezoning.

The Mayor asked if anyone wished to speak to these matters.

Dwight Stone, representing D. Stone Builders, spoke in favor of the items, detailed the proposed development of the property and requested Council approval.

There being no additional speakers, Councilmember Carmany moved to close the public hearing. The motion was seconded by Councilmember Bellamy-Small and adopted unanimously by voice vote of Council.

Mr. Hails stated the request conformed with the Comprehensive Plan recommendations for the area and that staff recommended approval.

Councilmember Johnson moved adoption of the ordinance annexing territory to the corporate limits south of Air Harbor Road—1.827 acres--and west of Northern Shores Lane and east of Woodpine Drive--14.673 acres. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-90 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (SOUTH OF AIR HARBOR ROAD AND WEST OF NORTHERN SHORES LANE AND EAST OF WOODPINE DRIVE – 1.827 AND 14.673 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

TRACT 1 – 1.827 ACRES

BEGINNING at a point in the existing Greensboro corporate limits (as of March 31, 2006), said point being the southeast corner of Christopher S. Dunlap and Karen E. Mills, as recorded in Deed Book 5235, Page 1836 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS N 00° 41' 03" E 234.63 feet along the east line of said Dunlap and Mills to their northeast corner, a point in the south line of Lot 4 of Timber Creek Builders, Inc., as recorded in Plat Book 149, Page 18 in the Office of the Register of Deeds; thence S 89° 19' 40" E 127.80 feet along the south line of said Lot 4 to the southwest corner of Lot 3 of said subdivision; thence S 89° 19' 40" E 221.88 feet along the south line of said Lot 3 to the southeast corner of said Lot 3, a point in the west line of Lot 3 of Air Harbor Estates, Map 2, as recorded in Plat Book 87, Page 38 in the Office of the Register of Deeds; thence S 02° 11' 12" W 224.51 feet along the west lines of Lots 3 and 4 on said Map 2 to the northeast corner of the property formerly owned by Christ Community Church ARP, Inc., as recorded in Deed Book 4731, Page 1355 in the Office of the Register of Deeds, said point being in the existing Greensboro city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 88° 58' 22" W 343.94 feet to the point and place of BEGINNING, and containing 1.827 acres.

TRACT 2 – 14.673 ACRES

BEGINNING at an existing iron pipe in the existing Greensboro corporate limits (as of March 31, 2006), said point being at the eastern terminus of Woodpine Drive and being a corner of Lot 2 of Linwood R. Leary, Sr. and Linwood R. Leary, Jr., as recorded in Plat Book 121, Page 11 in the Office of the Register of Deeds; THENCE DEPARTING FROM THE EXISTING CITY LIMITS along said eastern terminus N 04° 04' 57" E 17.07 feet to an existing iron pipe in the north right-of-way line of said road; thence S 86° 27' 40" W 50.47 feet along said right-of-way line to the southwest corner of said Lot 2; thence with the west line of said Lot 2 the following three bearings and distances: 1) N 03° 32' 22" E 56.87 feet to a point, 2) S 86° 27' 40" E 215.12 feet to a point, and 3) N 03° 32' 20" E 150.42 feet to the northwest corner of said Lot 2; thence S 89° 23' 48" E 73.05 feet with the north line of said lot 2 to the southeast corner of Frankie W. and Laura W. Cross, as recorded in Deed Book 5246, Page 1952 in the Office of the Register of Deeds; thence N 00° 34' 06" E 316.36 feet with the east line of Cross to the northeast corner of Cross, a point in the existing Greensboro city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 89° 00' 27" E 500.06 feet to a point; thence N 01° 13' 21" E 596.64 feet to a point; thence S 88° 49' 26" E 80.67 feet to a point; thence S 01° 42' 29" W 293.14 feet to a point; thence S 88° 03' 59" E 304.81 feet to a point in the western terminus of Northern Shores Lane; thence S 01° 30' 34" W 297.96 feet with the west lines of Northern Shores, Phase 11, Section 2, as recorded in Plat Book 146, Page 92 in the Office of the Register of Deeds, and Northern Shores, Phase 5, Section 1, as recorded in Plat Book 131, Page 4 in the Office of the Register of Deeds, to the northeast corner of Lot 81 of Northern Shores, Phase 5, Section 2, as recorded in Plat Book 132, Page 111 in the Office of the Register of Deeds; thence N 89° 35' 29" W 406.80 feet with the north lines of said Phase 5, Section 2 and Northern Shores, Phase 6, Section 1, as recorded in Plat Book 134, Page 120 in the Office of the Register of Deeds; thence N 89° 35' 42" W 358.16 feet with the north line of said Phase 6, Section 1 to a point in the north line of Lot 141 of said Phase 6, Section 1; thence N 88° 57' 57" W 340.25 feet with t said north line to the point and place of BEGINNING, and containing 14.673 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after July 31, 2006, the liability for municipal taxes for the 2006-2007 fiscal year shall be prorated on the basis of 11/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2006. Municipal ad valorem taxes for the 2007-2008 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after July 31, 2006.

(Signed) Yvonne J. Johnson

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Councilmember Phillips moved adoption of the ordinance and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located at the terminus of Northern Shores Lane from County AG to City RS-12, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: 1) it is generally consistent with the Low Residential land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map, 2) it promotes a sound, sustainable pattern of land use for development at the fringe, and it promotes mixed-income neighborhoods. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-91 AMENDING OFFICIAL ZONING MAP

WEST OF THE TERMINUS OF NORTHERN SHORES LANE AND EAST OF WOODPINE DRIVE AND MOSLEY ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at an existing iron pipe in the existing Greensboro corporate limits (as of March 31, 2006), said point being at the eastern terminus of Woodpine Drive and being a corner of Lot 2 of Linwood R. Leary, Sr. and Linwood R. Leary, Jr., as recorded in Plat Book 121, Page 11 in the Office of the Register of Deeds; THENCE DEPARTING FROM THE EXISTING CITY LIMITS along said eastern terminus N 04° 04' 57" E 17.07 feet to an existing iron pipe in the north right-of-way line of said road; thence S 86° 27' 40" W 50.47 feet along said right-of-way line to the southwest corner of said Lot 2; thence with the west line of said Lot 2 the following three bearings and distances: 1) N 03° 32' 22" E 56.87 feet to a point, 2) S 86° 27' 40" E 215.12 feet to a point, and 3) N 03° 32' 20" E 150.42 feet to the northwest corner of said Lot 2; thence S 89° 23' 48" E 73.05 feet with the north line of said lot 2 to the southeast corner of Frankie W. and Laura W. Cross, as recorded in Deed Book 5246, Page 1952 in the Office of the Register of Deeds; thence N 00° 34' 06" E 316.36 feet with the east line of Cross to the northeast corner of Cross, a point in the existing Greensboro city limits; THENCE PROCEEDING WITH THE EXISTING

CITY LIMITS S 89° 00' 27" E 500.06 feet to a point; thence N 01° 13' 21" E 596.64 feet to a point; thence S 88° 49' 26" E 80.67 feet to a point; thence S 01° 42' 29" W 293.14 feet to a point; thence S 88° 03' 59" E 304.81 feet to a point in the western terminus of Northern Shores Lane; thence S 01° 30' 34" W 297.96 feet with the west lines of Northern Shores, Phase 11, Section 2, as recorded in Plat Book 146, Page 92 in the Office of the Register of Deeds, and Northern Shores, Phase 5, Section 1, as recorded in Plat Book 131, Page 4 in the Office of the Register of Deeds, to the northeast corner of Lot 81 of Northern Shores, Phase 5, Section 2, as recorded in Plat Book 132, Page 111 in the Office of the Register of Deeds; thence N 89° 35' 29" W 406.80 feet with the north lines of said Phase 5, Section 2 and Northern Shores, Phase 6, Section 1, as recorded in Plat Book 134, Page 120 in the Office of the Register of Deeds; thence N 89° 35' 42" W 358.16 feet with the north line of said Phase 6, Section 1 to a point in the north line of Lot 141 of said Phase 6, Section 1; thence N 88° 57' 57" W 340.25 feet with said north line to the point and place of BEGINNING, and containing 14.673 acres.

Section 2. This ordinance shall be effective on the date of annexation.

(Signed) Thomas M. Phillips

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Councilmember Phillips moved adoption of the ordinance and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located south of Air Harbor Road from County AG to City RS-12, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: 1) it is generally consistent with the Low Residential land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map, 2) it promotes a sound, sustainable pattern of land use for development at the fringe and 3) it promotes mixed-income neighborhoods. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-92 AMENDING OFFICIAL ZONING MAP

SOUTH OF AIR HARBOR ROAD AND WEST OF QUAIL RIDGE DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at a point in the existing Greensboro corporate limits (as of March 31, 2006), said point being the southeast corner of Christopher S. Dunlap and Karen E. Mills, as recorded in Deed Book 5235, Page 1836 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS N 00° 41' 03" E 234.63 feet along the east line of said Dunlap and Mills to their northeast corner, a point in the south line of Lot 4 of Timber Creek Builders, Inc., as recorded in Plat Book 149, Page 18 in the Office of the Register of Deeds; thence S 89° 19' 40" E 127.80 feet along the south line of said Lot 4 to the southwest corner of Lot 3 of said subdivision; thence S 89° 19' 40" E 221.88 feet along the south line of said Lot 3 to the southeast corner of said Lot 3, a point in the west line of Lot 3 of Air Harbor Estates, Map 2, as recorded in Plat Book 87, Page 38 in the Office of the Register of Deeds; thence S 02° 11' 12" W 224.51 feet along the west lines of Lots 3 and 4 on said Map 2 to the northeast corner of the property formerly owned by Christ Community Church ARP, Inc., as recorded in Deed Book 4731, Page 1355 in the Office of the Register of Deeds, said point being in the existing Greensboro city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 88° 58' 22" W 343.94 feet to the point and place of BEGINNING, and containing 1.827 acres.

Section 2. This ordinance shall be effective on the date of annexation.

(Signed) Thomas M. Phillips

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Mayor Holliday noted that items 19 and 20 had been continued earlier in the meeting.

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The Mayor stated that this was the time and place set for a public hearing to consider a resolution authorizing the submission of a One-Year Action Plan for Community Development Block Grant (CBDG) Funding for the 2006-2007 fiscal year. He introduced so these matters could be discussed together, a resolution authorizing the submission of a One-Year Action Plan for Home Consortium Funds and the conduct of Home Consortium activities for the 2006-2007 fiscal year and a resolution authorizing the submission of a One-Year Action Plan for Emergency Shelter Grant (ESG) Program Funds and the conduct of ESG Program activities for the 2006-2007 fiscal year.

Andy Scott, Housing and Community Development Department (H&CD) Director, explained the requested action before Council was to approve submission of appropriate applications to the Department of Housing and Urban Development (HUD) in order to meet federal guidelines and ensure no funding gaps. He noted these matters would come back to Council as a part of the overall 2006-07 Annual Budget and could be amended if Council desired.

Using a PowerPoint presentation, Mr. Scott provided a detailed review of the proposed 2006-07 HCD Plan, including the source of funds; uses of funds, major goals and objectives for affordable housing, neighborhood development and economic development for the coming year. He noted the H&CD had made calendar changes with regard to Requests for Proposals (RFP) to correspond with the State of North Carolina's calendar. (Additional information with regard to the three items is filed with the above resolution and is hereby referred to and made a part of these minutes.)

In response to Council inquiries, Mr. Scott explained the process involved with federal acquisition requirements that resulted in a long administrative process to purchase the property needed for the Elm-Lee Streets Brownfield's project and stated that staff was in the beginning stages of purchasing property in the area. He stated that he would determine if this redevelopment proposal had been presented to Hampton Homes residents and responded to Council inquiries that small providers involved with the homeless prevention effort had chosen to drop out due to audit requirements. Discussion was held with regard to the funding sources, the limited ability to use some of the bond funds and the required use of federal dollars, etc. In response to an inquiry with regard to the feasibility of extending the downtown boundaries, Mr. Scott spoke to staff's work to create a plan to expand these boundaries on the west and north sides and noted this plan would be presented to Council mid-summer.

Mayor Holliday asked if anyone wished to speak to these items.

Beth McKee-Huger, residing at 408 Woodlawn Avenue, expressed appreciation to staff for efforts to identify ways to help neighborhoods, landlords and tenants. She offered her opinions with regard to the change in the (RFP) process, the need to talk about increasing and/or preserving affordable housing, replacing units lost to demolition, and making sure to address the needs of the lowest-income residents.

Discussion was held with regard to the manner in which problems might be addressed when homeowners die and the houses are boarded up.

David Levy, Executive Director of Affordable Housing Management with offices at 330 South Greene Street, Suite B-11, expressed appreciation for the change in the RFP process and the positive impact this would have on non-profit organizations to enable them to do a better job in seeking tax credits and for the provision of funds for the development of affordable housing. He detailed the work and accomplishments of his group to provide affordable housing, including the Windhill Apartments and Court developments.

Councilmember Barber expressed frustration with regard to the City funding of housing when a great deal of non-occupied dwellings were available in the private sector; he offered his personal thoughts with regard to the public sector competing with the private sector in the area of housing.

The Mayor commented that he believed the City should subsidize this effort to ensure that Greensboro had good, affordable housing rentals.

Councilmember Carmany moved to close the public hearing on the items. The motion was seconded by Councilmember Bellamy-Small and adopted unanimously by voice vote of Council.

Councilmember Johnson moved to adopt the resolution authorizing the submission of a One-Year Action Plan for Community Development Block Grant (CDBG) Funding for the 2006-2007 fiscal year. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: Barber.

89-06 RESOLUTION AUTHORIZING THE SUBMISSION OF A ONE-YEAR ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR THE 2006-2007 FISCAL YEAR

WHEREAS, the Department of Housing and Community Development has prepared the 2006-2007 Action Plan that states goals and objectives for affordable housing, neighborhood development, and economic development for the coming year; and

WHEREAS, after holding a public hearing and meetings to receive public comment, the Community Resource Board has recommended the 2006-2007 Annual Plan for Housing and Community Development activities to the City Council for consideration; and

WHEREAS, under Title 1 of the Housing and Community Development Act of 1974 (Public Law 93-383), as amended, the Secretary of the Department of Housing and Urban Development is authorized to make Community Development Block Grants (CDBG) for the conduct of Community Development Programs; and

WHEREAS, it is desirable and in the public interest for the City of Greensboro to prepare and submit a One-year Action Plan for conducting Community Development activities in the City of Greensboro; and

WHEREAS, it is understood that acceptance of a Community Development Block Grant obligates the City of Greensboro to conduct and administer Community Development Program activities in accordance with the requirements of Title 1 of the Housing and Community Development Act of 1974, as amended, applicable Federal and State laws, and implementing rules and regulations officially adopted by the Department of Housing and Urban Development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO;

1. That the 2006-2007 Housing and Community Development Plan is hereby approved as recommended by the Community Resource Board.
2. That the submission of a One-Year Action Plan for Community Development Block Grant activities in the amount of \$2,453,230 is hereby authorized and approved.
3. That the conduct of Community Development Block Grant activities in whole or in part by the City of Greensboro and/or designees is hereby authorized and approved.
4. That the City of Greensboro is fully cognizant of the obligations, responsibilities, and requirements accompanying the acceptance of a Community Development Block Grant and that it is the sense of this body that such obligations, responsibilities, and requirements will be fulfilled.
5. That the City Manager is designated as the official representative of the City of Greensboro, and is authorized to submit the final statement, all understandings and assurances contained therein, and directed

to act in connection with the submission of the final statement and to provide such additional information as may be required.

6. That the City Manager, as Chief Executive Officer, is authorized and consents on behalf of the City of Greensboro and himself (1) to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969, insofar as the provisions of such act apply to the administration and conduct of local Community Development Program activities as referred to above; and (2) to accept the jurisdiction of the Federal courts for the purpose of enforcement of his responsibilities as such an official.

(Signed) Yvonne J. Johnson

(Additional information with regard to the three items is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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Councilmember Gatten moved adoption of the resolution authorizing the submission of a One-Year Action Plan for Home Consortium Funds and the conduct of Home Consortium activities for the 2006-2007 fiscal year. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: Barber.

90-06 RESOLUTION AUTHORIZING THE SUBMISSION OF A ONE-YEAR ACTION PLAN FOR HOME CONSORTIUM FUNDS AND THE CONDUCT OF HOME CONSORTIUM ACTIVITIES FOR THE 2006-2007 FISCAL YEAR

WHEREAS, under Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, the Secretary of the Department of Housing and Urban Development is authorized to make HOME Program grants for the conduct of HOME Programs; and

WHEREAS, the HOME Program rules have been expanded to include a down payment assistance component cited as the American Dream Down payment Initiative (ADDI); and

WHEREAS, the City of Greensboro, Guilford County, the City of Burlington, and Alamance County have formed a Housing Consortium to receive HOME funding; and

WHEREAS, the City of Greensboro, as Lead Entity for the Greensboro/Guilford/ Burlington/Alamance Housing Consortium, is responsible for submitting all Federal applications and reports; and

WHEREAS, each Consortium member developed their HOME funding plan and conducted their own citizen participation process; and

WHEREAS, the City of Greensboro has prepared a One Year Action Plan for the 2006-2007 Fiscal Year for the Consortium; and

WHEREAS, it is understood that acceptance of a HOME Program Grant obligates the City of Greensboro to conduct and administer HOME Program activities in accordance with the requirements of the Cranston-Gonzales National Affordable Housing Act of 1990, as amended, applicable Federal and State Laws, and implementing rules and regulations officially adopted by the Department of Housing and Urban Development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the submission of a consolidated application for the Greensboro/Guilford/ Burlington/Alamance Housing Consortium HOME funding in the amount of \$2,326,249 is hereby authorized and approved.
2. That the One Year Action Plan for the Consortium is hereby approved.

3. That the City of Greensboro and each member jurisdiction will provide any required local match from non-federal funds.
4. That the conduct of HOME Program activities in whole or in part by the City of Greensboro and/or designees is hereby authorized and approved.
5. That the City of Greensboro and each member of the Consortium is fully cognizant of the obligations, responsibilities, and requirements accompanying the acceptance of a HOME Grant and that it is the sense of this body that such obligations, responsibilities, and requirements will be fulfilled.
6. That the City Manager is designated as the official representative of the City of Greensboro, and is authorized to submit the final statement, all understandings and assurances contained therein, and directed to act in connection with the submission of the final statement and to provide such additional information as may be required.
7. That the City Manager, as Chief Executive Officer, is authorized and consents on behalf of the City of Greensboro and himself (1) to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969, insofar as the provisions of such act apply to the administration and conduct of local HOME Program activities as referred to above; and (2) to accept the jurisdiction of the federal courts for the purpose of enforcement of his responsibilities as such an official.

(Signed) Florence F. Gatten

(Additional information with regard to the three items is filed with the Resolution # 89-06 and is hereby referred to and made a part of these minutes.)

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Councilmember Bellamy-Small moved adoption of the resolution authorizing the submission of a One-Year Action Plan for Emergency Shelter Grant (ESG) Program Funds and the conduct of ESG Program activities for the 2006-2007 fiscal year. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

91-06 RESOLUTION AUTHORIZING THE SUBMISSION OF A ONE-YEAR ACTION PLAN FOR EMERGENCY SHELTER GRANT (ESG) PROGRAM FUNDS AND THE CONDUCT OF ESG PROGRAM ACTIVITIES FOR THE 2006-2007 FISCAL YEAR

WHEREAS, the Secretary of the Department of Housing and Urban Development is authorized to make ESG Program grants under Title IV of the McKinney-Vento Homeless Assistance Act for the conduct of ESG Programs; and

WHEREAS, the City of Greensboro intends to expend ESG funds during the 2006-2007 Fiscal Year; and

WHEREAS, it is understood that acceptance of an ESG Program Grant obligates the City of Greensboro to conduct and administer ESG Program activities in accordance with the applicable Federal and State Laws, and implementing rules and regulations officially adopted by the Department of Housing and Urban Development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

8. That the submission of an application for ESG Program funds in the amount of \$83,531 is hereby authorized and approved.
9. That the One Year Action Plan that includes the ESG Program is hereby approved.

10. That the conduct of ESG Program activities in whole or in part by the City of Greensboro and/or designees is hereby authorized and approved.
11. That the City of Greensboro is fully cognizant of the obligations, responsibilities, and requirements accompanying the acceptance of an ESG Grant and that it is the sense of this body that such obligations, responsibilities, and requirements will be fulfilled.
12. That the City Manager is designated as the official representative of the City of Greensboro, is authorized to submit the final statement, all understandings and assurances contained therein, and directed to act in connection with the submission of the final statement and to provide such additional information as may be required.
13. That the City Manager, as Chief Executive Officer, is authorized and consents on behalf of the City of Greensboro and himself (1) to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969, insofar as the provisions of such act apply to the administration and conduct of local ESG Program activities as referred to above; and (2) to accept the jurisdiction of the federal courts for the purpose of enforcement of his responsibilities as such an official.

(Signed) T. Dianne Bellamy-Small

(Additional information with regard to the three items is filed with the Resolution # 89-06 and is hereby referred to and made a part of these minutes.)

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Councilmember Gatten moved adoption of all ordinances, resolutions and motions on the Consent Agenda. The motion was seconded by Councilmember Carmany; the Consent Agenda was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

92-06 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PORTION OF THE PROPERTY OF BURGERBUSTERS III, L.C., IN CONNECTION WITH THE BRIDFORD PARKWAY SIDEWALK PROJECT

WHEREAS, Burgerbusters III, L.C. are the owners of certain property located on Bridford Parkway, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Bridford Parkway Sidewalk Project;

WHEREAS, negotiations with the owners at the appraised value of \$58,500.00 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$58,500.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$58,500.00 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 441-6003-19.6012 Activity # 01084.

(Signed) Florence F. Gatten

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93-06 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2006-017 WITH TRIANGLE GRADING & PAVING, INC. FOR THE SMITH AND EDGEWORTH STREETS STORM SEWER IMPROVEMENTS PROJECT

WHEREAS, after due notice, bids have been received for Smith and Edgeworth Streets storm sewer improvements;

WHEREAS, Triangle Grading & Paving, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$299,750.00 as general contractor for Contract No. 2006-017, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Triangle Grading & Paving, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$200,000.00 from Account No. 441-6005-05.6018 Account #06116, and in the amount of \$99,750.00 from Account No. 506-7005-01.6018 Account #06145.

(Signed) Florence F. Gatten

(A tabulation of bids for the Smith and Edgeworth Streets Storm Sewer Improvements Project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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94-06 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2005-060A WITH ACTION GREENSBORO FOR THE ELM STREET-FRIENDLY AVENUE STORM SEWER IMPROVEMENTS PROJECT

WHEREAS, Contract No. 2005-060A with Action Greensboro provides for construction of the Elm Street – Friendly Avenue storm sewer improvements;

WHEREAS, due to significant amounts of soil removed and replaced in the street and across the site as a result of unsuitable soils encountered while installing the storm sewer improvement, the project required a change in the original scope of work along with additional costs, thereby necessitating a change order in the contract in the amount of \$36,829.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Action Greensboro for the Elm Street – Friendly Avenue storm sewer improvements is hereby authorized at a total cost of \$36,829.00, payment of said additional amount to be made from Account No. 506-7005-01.6018 Account No. 06074.

(Signed) Florence F. Gatten

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06-93 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR CAPITAL REPLACEMENT PER TIME WARNER CABLE FRANCHISE AGREEMENT

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal and other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-2510-01.6059	Other Capital Equipment	<u>\$30,350</u>
Total		\$30,350

And, that this increase be financed by increasing the following State, Federal, and Other Grants Funds accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-2510-01.8620	Donations & Private Contributions	<u>\$30,350</u>
Total		\$30,350

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Florence F. Gatten.

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95-06 RESOLUTION LISTING LOANS AND GRANTS FOR CITY COUNCIL APPROVAL

WHEREAS, at its March 1st meeting City Council the City Manager was instructed to include on the regular Council Consent Agenda all loans and grants in excess of \$10,000;

WHEREAS, City Council approval is required for all loans and grants, or pass through loans or grants in excess of \$10,000 on the recommendation of agencies, non-profits, or other organizations acting on behalf of the City prior to the disbursement of funds;

WHEREAS, requests have been made for loans in excess of \$10,000, said requests are presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the requests for loans in excess of \$10,000 presented herewith this day are hereby approved in accordance with the guidelines set at the March 1, 2005 council meeting.

(Signed) Florence F. Gatten

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06-94 AN ORDINANCE CHANGING NAME OF STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the following street name change is hereby authorized to become effective immediately:

<u>PRESENT NAME</u>	<u>PORTION</u>	<u>NEW NAME</u>
Byers Road	Westernmost section of Byers Road	Byers Ridge Drive

(Signed) Florence F. Gatten

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96-06 RESOLUTION APPROVING CAPITAL FUND EXPENDITURES FROM A PORTION OF THE SEVENTY PERCENT (70%) NET PROCEEDS OF THE OCCUPANCY TAX RECEIVED BY THE GREENSBORO/GUILFORD COUNTY TOURISM DEVELOPMENT AUTHORITY FROM THE ORIGINAL GUILFORD COUNTY THREE PERCENT (3%) ROOM OCCUPANCY TAX FOR THE EXPANSION OF THE COLISEUM AND DEBT REDUCTION

WHEREAS, in 1989 the General Assembly amended an act permitting Guilford County to levy a three percent (3%) room occupancy and tourism development tax;

WHEREAS, after allocating \$170,000.00 for specific tourist-related events or activities, the remaining portion of twenty percent (20%) of the seventy percent (70%) net proceeds of the occupancy tax received by the Authority shall go to the City of Greensboro for convention and tourism capital improvements;

WHEREAS, in the opinion of the Greensboro/Guilford County Tourism Development Authority, existing and future revenues, not to exceed \$900,000.00 in this capital fund should be expended for the Greensboro Coliseum:

1. That Coliseum expansion dept of \$900,000.00 for the fiscal year 2005-2006 will be covered from this capital fund.

WHEREAS, by law, the approval of such expenditures shall be a joint decision by The Greensboro City Council, the County Commissioners and the Greensboro/Guilford County Tourism Development Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF GREENSBORO:

1. That the City Council of the City of Greensboro hereby approves the expenditures of existing and future revenues, not to exceed \$900,000.00 from the above mentioned capital fund for the purpose of offsetting Coliseum expansion debt for the fiscal year 2005-2006.
2. That the Authority is authorized to enter into a Memorandum of Understanding with the Greensboro City Manager to implement the above-mentioned improvements. All transactions pursuant to this resolution shall be undertaken in strict compliance with applicable laws and this approval is subject to applicable laws.

(Signed) Florence F. Gatten

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Motion to approve report of budget adjustments for March 1-31, 2006 was unanimously adopted. (A copy of the report is filed in Exhibit Drawer P, Exhibit Number 1, which is hereby referred to and made a part of these minutes.)

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Motion to approve minutes of regular meeting of April 18, 2006 was unanimously adopted.

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In response to the meeting in District 1 mentioned earlier in the meeting by Councilmember Bellamy-Small, Councilmember Gatten moved "that we instruct the City Manager and his staff, including the Legal and Police Departments not to attend public meetings related to the ongoing police investigation and that the City Council and the City Manager as a Body will provide the community with periodic updates as information is verified and as is legally appropriate." The motion was seconded by Councilmember Phillips.

Speaking to the fact that she believed citizens were receiving their information about the police investigation from newspapers and television, Councilmember Bellamy-Small stated that, in her opinion, she had a responsibility to provide an opportunity for citizens in her district to meet with her face to face to discuss the investigation. She stated that she believed City Manager Johnson was doing a great job and noted that staff often attended her meetings in District One. Councilmember Bellamy-Small spoke to the need to rebuild trust, noted that she had stated she did not leak the report, advised she was not trying to jeopardize the investigation, and expressed appreciation for Council's open discussion at this meeting with regard to this matter.

Other members of Council discussed various opinions with regard to this matter; i.e., that it would be Councilmember Bellamy-Small's personal decision to hold a meeting with citizens about this matter, the thought that such a meeting could be risky and might be frustrating to citizens to learn that Council could not respond to some of their questions, the general understanding that Council discussion during the ongoing investigation could impede the process, the citizen input that had been received with regard to this matter, and the fact that citizens should be assured that the City Council was doing what it was charged with doing to let the investigation continue.

Further discussion was held with regard to the conduct of this investigation, recent newspaper articles, the fact that the Manager provided updates to citizens and released information about the investigation when legally possible and would continue to do so, and the opinion that City staff should not attend a meeting when they were unable to provide additional information about the investigation in response to citizens' questions.

Noting that Interim Police Chief Tim Bellamy was working on the investigation while continuing to operate the Police Department, Mayor Holliday expressed appreciation to the Chief for continuing the good work of the department under pressure.

Councilmember Gatten's motion was thereupon adopted on the following roll call vote: Ayes: Barber, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: Bellamy-Small.

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Council discussed various items and events of interest to the community, including events at the Bog Garden, and the Historical Museum. Councilmember Groat noted she had attended various events throughout the City to represent the Council.

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After Councilmember Johnson moved to appoint Velma S. Buford to fill the vacant position on the Commission on the Status of Women, Councilmember Wells noted that she had identified a district two resident to fill the position. The Mayor asked that this matter be delayed until later in the meeting to allow Councilmembers Johnson and Wells to discuss.

Councilmember Johnson spoke to her plans to attend a workshop on effective ways to handle police complaints sponsored by the Kennedy School of Government; she advised that school representatives wanted to come to Greensboro and conduct interviews with appropriate members of the Human Relations Commission and possibly City Council.

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Councilmember Bellamy-Small moved to appoint McArthur Davis, a District 5 resident, to fill the unexpired portion of term of Charlotte D. Costner, resigned and to serve a full term on the War Memorial Commission; this term will expire 15 August 2009. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Councilmember Bellamy-Small spoke to the need to provide transportation to work for residents of the areas being developed in the northeast and the Elm-Eugene Street area.

Councilmember Gatten reminded Council and citizens that the GTA task force would present its report at the May 16 Council meeting.

After Councilmember Bellamy-Small spoke to problems with the current animal control ordinance and after Council discussion with regard to the current level of service, it appeared to be the desire of Council that the contract with Guilford County for animal control should be reviewed to determine what actions could be taken to resolve current problems and concerns with respect to level of service.

In response to an inquiry by Councilmember Bellamy-Small, the City Manager stated information would be provided with regard to the availability of gun locks to citizens.

After brief comments about her absence at the bond meeting held earlier on this date, Councilmember Bellamy-Small requested Council to consider including \$6 million in the bond for an Olympic pool at Barber Park.

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In response to earlier discussion with regard to the appointment to fill the vacant seat on the Commission, Councilmember Wells moved to appoint Linda Waddell to fill the unexpired portion of term of Natalie V. McLean, resigned, and to serve a full term on the Commission on the Status of Women; this term will expire 15 August 2009. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council. Councilmember Johnson advised she would appoint Ms. Buford to serve when a position became available on the Commission.

As liaison to the Library Board of Trustees, Councilmember Wells moved that Council increase the membership of the Library Board to include a member appointed by the Guilford County Board of Commissioners. The motion was seconded by Carmany and adopted unanimously by voice vote of Council. The Mayor requested that Councilmember Wells prepare a formal letter to the Library Board to advise that this action had been taken by Council.

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After Councilmember Johnson mentioned the anticipated overflow parking at an upcoming church event located near the end of East Cone Boulevard and the concern that these vehicles might be ticketed by Police, the City Manager advised that his staff would make sure police were aware of the event. In response to an inquiry by Councilmember Johnson, Adam Fischer, Transportation Department, advised that the intersection in that area at 16th Street and Cone Boulevard was being studied as a potential site for a traffic signal.

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Councilmember Carmany reiterated that the GTA Task Force would present its report to Council at the May 16, 2006 meeting.

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Councilmember Phillips stated that at the time of the reallocation of \$6 million from Barber Park, Council agreed to transfer the money to the Sportsplex and had determined that activities were better suited for that location. He further advised there was no agreement at that time to replace the \$6 million in a future bond referendum and noted that both the District One and Two Council representatives had agreed to the transfer. Councilmember Johnson noted that at that time, a private developer had plans to locate a pool on the former Carolina Circle Mall property. Councilmember Bellamy-Small noted she was advocating for Barber Park to be a quality facility.

Stating that at one time a pool had been planned for Barber Park, Robert "Bob" Morgan, Assistant City Manager, stated that due to the topography and soil on the site, the pool would have had to be placed on property owned by the City and North Carolina A&T State University; he advised that because the City had not been able to negotiate the purchase of land from the University for this purpose, the pool had been removed from the Parks and Recreation Department's Master Plan.

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Noting that the annual report of the Rental Unit Certificate Advisory Board would be presented at an upcoming Council meeting, Councilmember Phillips requested the City Manager to determine an appropriate date for the presentation.

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Mayor Holliday added the name of Brian Clarida to the boards and commissions data bank for consideration for future service on the Greensboro Housing Authority and in a number of additional areas he had requested.

After brief discussion with regard to an additional date to discuss the upcoming bond referendum items, it was the consensus of Council to schedule a work session at 4:00 p.m. on May 16, 2006; the meeting will be held in the Plaza Level Conference Room of the Melvin Municipal Office Building.

The Mayor expressed his concerns and noted unanswered questions with regard to City money provided to Project Homestead; he expressed his belief that Council should discuss and provide as much information as possible to the public with regard to this organization; i.e., funding levels, use of tax dollars allocated to the organization, perception of the citizens, etc.

The City Attorney confirmed that reports would not be provided from the investigating agencies with the exception of a written report to be provided by the Bankruptcy judge. Councilmember Phillips stated it had been reported that it could not be determined where \$400,000 had been spent because of co-mingled mortgages/money. After some members of Council expressed personal opinions with regard to this matter, it appeared to be the consensus of Council that they did not wish to continue to pursue this matter.

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Noting that he hoped that citizens understood the investigation of the Police Department represented actions of a small group of people and not the entire Department, the City Manager spoke to the professional ethics, dedication and integrity with which the members of the Police Department perform their duties. He offered his support of the Police Department and expressed gratitude for the work of the Department.

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Councilmember Johnson moved that the City Council adjourn. The motion was seconded by Councilmember Bellamy-Small and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 9:47 P.M.

KEITH A. HOLLIDAY
MAYOR

JUANITA F. COOPER
CITY CLERK
